

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EMIL GODING,

Petitioner,

-against-

MICHAEL CAPRA,

Respondent.

1:20-CV-6733 (CM)

ORDER

COLLEEN McMAHON, Chief United States District Judge:

Petitioner, who appears *pro se*, brings this petition for a writ of *habeas corpus* under 28 U.S.C. § 2254. The Court denies the current petition without prejudice for the following reasons.

Petitioner has previously submitted to this Court a substantially similar petition, which is presently pending before District Judge Alison J. Nathan of this Court, and has been referred to Magistrate Judge Ona T. Wang of this Court, in *Goding v. Capra*, 1:20-CV-6390 (AJN) (OTW). As the current petition raises the same claims, no useful purpose would be served by litigating it. The current petition is therefore denied without prejudice to the pending petition in *Goding*, 1:20-CV-6390 (AJN) (OTW).

The Clerk of Court is directed to mail a copy of this order to Petitioner and note service on the docket.

The current petition is denied without prejudice as duplicative.

Because the current petition makes no substantial showing of a denial of a constitutional right, a certificate of appealability will not issue. *See* 28 U.S.C. § 2253.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: August 24, 2020
New York, New York

A handwritten signature in black ink, appearing to read "Colleen McMahon", is written over a horizontal line.

COLLEEN McMAHON
Chief United States District Judge